

### Remarks

Claims 1, 2, and 4-23 were previously pending and stood rejected under 35 USC 103(a). Claims 1, 4, 7-9, 11, 14-16, 19, 20, 22, and 23 have been amended while claims 10 and 17 have been cancelled. Applicants assert that the currently pending claims are in condition for allowance as set forth more fully below.

### Telephone Interview

The undersigned participated in a telephone interview with the Examiner on October 14, 2004. During the interview, deficiencies in the Epler and Groen references were discussed relative to subject matter of the present invention. Namely, it was discussed that Epler deals only with CLID data or VIP codes, whether automatically acquired by the network or entered by the caller, that serves to identify the caller. This information provides an indication of urgency to the called party only to the extent that the called party considers a call from a particular caller to be urgent (i.e., a given caller would always have the same urgency based on CLID or VIP code). It was further discussed that both Epler and Groen allow the calling party to specify urgency for the call, aside from providing CLID or VIP code, by offering a menu of urgency options to the calling party during the call, but that is an ineffective system because all callers can select the highest level of urgency. It was further discussed that the subject matter of the present invention provides for a given caller to be given multiple priority codes prior to the call that specify different levels of urgency so that during the call, the caller can decide what level of urgency the call is and enter the appropriate code without being given the code during the call. In this manner, the present invention prevents all callers from being able to use the highest level of urgency.

### 102 Rejections

Claims 1, 2, 4-8, 11-18, 20, and 21 stand rejected under 35 USC 102(b) as being anticipated by Epler (US Pat 5,825,867). The Examiner has asserted that Epler teaches all of the elements of the claims.

Amended claim 1 recites, among other things, associating a plurality of priority codes with a telephone number of the telephone line, wherein each of the plurality of

priority codes is further associated with a priority level of a plurality of priority levels, each of the plurality of priority levels represents a degree of urgency and is associated with a priority alert signal that identifies the degree of urgency for the subscriber and providing multiple priority codes to a calling party prior to a call being placed by the calling party to enable the calling party to choose a level of urgency for a call to the subscriber. Claim 1 further recites receiving the call from the calling party who dialed the telephone number while the telephone line is engaged in a first communication session between the subscriber and a third party, receiving one of the priority codes from the calling party during the call to the subscriber to allow the calling party to identify the level of urgency for the call, and playing a priority alert signal associated with the priority code provided by the calling party to interfere with the first communication session and alert the subscriber to the level of urgency of the call.

Support for the amendments to claim 1 are provided throughout the specification. For example, see paragraph 0049 on page 19, where one embodiment is discussed that involves providing three priority codes to callers to enable them to select one of three degrees of urgency: ordinary call, more urgent nature, or exceptional circumstance.

As recited, claim 1 provides that a single calling party is given multiple priority codes that represent degrees of urgency prior to placing the call to the subscriber. Thus, the calling party can decide what level of urgency that call to the subscriber is and can identify that level of urgency by providing the priority code that has been previously given without being provided the priority codes during the call itself. Then, the subscriber can be informed of the degree of urgency via the priority alert signal during the call to the third party. Because the calling party is not being provided the priority codes that specify levels of urgency during the call itself, calling parties who have not been given the priority codes ahead of time will not be able to set the level of urgency to get the attention of the subscriber. Thus, likely unwanted calls such as telemarketers will not be able to set a high degree of urgency since they will not know the proper priority code, and the subscriber can then ignore the telemarketer call while on the call with the third party.

Epler fails to provide for given a single calling party multiple priority codes ahead of time. Furthermore, Epler fails to provide priority codes ahead of time that specifically

identify urgency as opposed to only identifying the calling party. As noted in column 6, Epler discloses using the CLID data or VIP codes which identify the calling party, and the called party must determine urgency based on the identification of the caller as opposed to a specific alert about urgency. This creates the problem that a single caller will always have the same priority since there is not way to distinguish. However, Epler addresses this problem by providing a menu during the call itself, telling the calling party to dial a number to specify the urgency. Yet, the number is given during the call itself, so any calling party will be able to trick the system by specifying a high level of urgency for all calls by simply dialing the number that has been announced during the call, which is a very ineffective way to filter out urgent from non-urgent calls.

For at least these reasons claim 1 is allowable over Epler. While the Groen reference utilized in the section 103 rejections of the Office Action has not been cited against claim 1, it is worth noting that Groen also fails to teach multiple priority codes specifying degrees of urgency that are provided to calling parties prior to placing the call. Instead, Groen, like Epler, discloses that a menu of options for selecting priority is provided during the call itself. See col. 3, line 47. Thus, claim 1 is allowable over Epler and Groen singly and in combination.

Claims 7, 11, 15, and 20 each recite similar elements that provide for multiple priority codes representing levels of urgency to be provided to a single caller prior to the caller placing the call to the subscriber such that the caller can specify the level of urgency. Accordingly, claims 7, 11, 15, and 20 are allowable over the cited references, singly or in combination, for at least the same reasons as claim 1. Dependent claims 2, 4-6, 8, 9, 12-14, 16, 18, 19, and 21-23 depend from allowable base claims and are also allowable over the cited references, singly or in combination, for at least the same reasons.

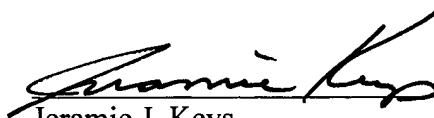
### Conclusion

Applicants assert that the application including claims 1, 2, 4-9, 11-16, and 18-23 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: October 19, 2004

A handwritten signature in black ink, appearing to read "Jeramie J. Keys". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeramie J. Keys  
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